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S. Patent and Trademark Office TOL-37 (Rev. 1-04) Application/Control Number: 10/077,699

Art Unit: 1652

### **DETAILED ACTION**

The amendment filed on June 12, 2004, amending claim 13, has been entered. Claims 5-6, 11, 13, 16 and 19-20 are pending.

### Election/Restrictions

Claims 5, 13, 16 and 19-20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 6.

Rejoinder: Applicants have elected to not rejoin claim 13 and instead have elected to cancel claim 13 (see attached Interview Summary).

The restriction requirement made in Paper No. 5 is hereby withdrawn.

## Response to Arguments

The objection to the specification and claims are withdrawn.

# Response to Amendment

The affidavit filed on June 12, 2004 under 37 CFR 1.131 is sufficient to overcome the Mets et al. reference. Therefore, the rejection under 35 USC § 102(a) is hereby withdrawn.

Application/Control Number: 10/077,699

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### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Petit on September 22, 2004.

The application has been amended as follows:

### IN THE CLAIMS:

Amend the claims as follows.

In claim 11, line 1,

Before "cell", insert -- non-human host --

Cancel claims 5, 13, 16 and 19-20.

## Allowable Subject Matter

Claims 4, 6 and 11 are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Application/Control Number: 10/077,699

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yong Pak whose telephone number is 703-308-9363. The examiner can normally be reached on 8:00 A.M. to 4:30 P.M weekdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ponnathapu Achutamurthy can be reached on 703-308-3804. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-746-7240 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0196.

Yong Pak Patent Examiner

September 23, 2004

PONNATHAPU ACHUTAMURTHY SUPERVISORY PATENT EXAMINER

TECHNOLOGY CENTER 1899